

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
MARCH 4, 2015

The following items are discussed in these minutes:

FORD SUBDIVISION – APPROVED
COVE ESTATES, PLAT H – APPROVED
ELK POINT CONDOMINIUMS – APPROVED
TERRY BISHOP SITE PLAN - APPROVED

STUDY SESSION

PLACE – Orem City Main Conference Room

At 3:30 p.m. Chair Moulton called the Study Session to order.

Those present: Carlos Iglesias, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdales, Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; and Loriann Merritt, Minutes Secretary

Those excused: Becky Buxton, Karen Jeffreys, Planning Commission members; David Spencer, City Council Liaison

The Commission and staff briefly reviewed agenda items and minutes from the February 18, 2015 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

PLACE - Orem City Council Chambers

At 4:30 p.m. Chair Moulton called the Planning Commission meeting to order and asked Derek Whetten, Planning Commission member, to offer the invocation.

Those present: Carlos Iglesias, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdales, Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; and Loriann Merritt, Minutes Secretary

Those excused: Becky Buxton, Karen Jeffreys, Planning Commission members; David Spencer, City Council Liaison

Chair Moulton introduced **AGENDA ITEM 3.1** as follows:

AGENDA ITEM 3.1 is a request by Louis Erickson to vacate Lot 28 of Ford Subdivision, Plat A and approve the preliminary and final plat of **FORD SUBDIVISION, PLAT B** at 251 South Palisade Drive in the R8 zone.

Staff Presentation: Mr. Stroud said Lot 28 was originally platted in 1968 and was subsequently divided by a deed sometime after to create two parcels. Each of these parcels now contains a single-family dwelling. The current Code requires a lot to be created by an approved subdivision plat.

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One of these parcels has enough square footage to subdivide and create a third lot. The buildable area on the new lot is approximately 1,600 square feet. The Code requires a home in the R8 zone to have a minimum of 1,000 square feet finished (exclusive of a garage or carport) for a single-story dwelling or a two-story dwelling with a minimum of 650 square feet finished on the main floor and 550 square feet minimum of the second floor. There is no requirement for a garage or carport.

There are two canal easements on the new lot which reduces the buildable area but does not restrict it enough to where it does not meet the minimum Code requirements. The two canals will be combined into a single canal easement as shown on the proposed

plat.

This plat was originally approved by the Planning Commission in 2008 but the plat was never recorded. Preliminary plat approval is good for one year, but may be extended for another year prior to the one year expiration.

Recommendation: The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission vacate Lot 28 of Ford Subdivision Plat A and approve the preliminary and final plat of Ford Subdivision Plat B at 251 South Palisade Drive in the R8 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Ray Nixon, Orem, said his access to Comcast goes over Mr. Erikson's property. He noted he had talked to Mr. Erikson and he indicated he will allow him to have access. Chair Moulton said that this is between the private individuals and not part of the approval process.

Mr. Erikson, property owner, said they will work with Comcast and Mr. Nixon in order to make sure he has access to Comcast.

Mr. Stroud indicated this was platted as one lot in 1969. Later a deed created another lot, but was never brought to the City.

Carol Walker, Orem, said she supported the development.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Walker said he has found that neither the public nor any person will be materially injured by vacating Lot 28 of Ford Subdivision, Plat A, and that there is good cause for the vacation. He then moved to:

1. Vacate Lot 28 of Ford Subdivision, Plat A, and
2. Approve the final plat of Ford Subdivision, Plat B with three lots at 251 South Palisade Drive.

Ms. Larsen seconded the motion. Those voting aye: Carlos Iglesias, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.2** as follows:

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AGENDA ITEM 3.2 is a request by Ryan Smith to vacate Lot 24 of Cove Estates Subdivision, Plat A and Lot 1 of Cove Estates, Plat F and approve the final plat of **COVE ESTATES SUBDIVISION, PLAT H** at 1434 East 1110 North in the R12 zone.

Staff Presentation: Mr. Spencer said the applicant owns the home on Lot 1 of Plat F and purchased the home on Lot 24 of Plat A. The home on Lot 24 of Plat A was demolished in September of 2014. The applicant is proposing to include the now vacant lot and their existing lot into one (1) lot. The proposed lot is 57,907 square feet (1.33 acres).



The purpose of this subdivision is to allow the applicant to build a new tennis court building on their property. However, the R12 zone does not allow for the size of building the applicant is proposing to build. The applicant is currently working on an application to rezone their property to a PD zone to allow for the building they are proposing, but no formal application has been made.

The existing utility easements between the existing Lot 24 of Plat A, and Lot 1 of Plat F will be removed. Letters from the utility companies have been provided in regards to the easement vacation.

Recommendation: Based on the compliance with all applicable City codes staff recommends the Planning Commission vacate Lot 24 of Cove Subdivision, Plat A, and Lot 1 of Cove Estates, Plat F and approve the final plat of Cove Estates Subdivision Plat H at 1434 East 1110 North in the R12 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Larsen said she has found that neither the public nor any person will be materially injured by vacating Lot 24 of Cove Subdivision, Plat A and Lot 1 of Cove Estates Subdivision, Plat F, and that there is good cause for the vacation. She then moved to:

1. Vacate Lot 24 of Cove Subdivision, Plat A and Lot 1 of Cove Estates Subdivision, Plat F; and
2. Approve the final plat of Cove Estates Subdivision, Plat H with one lot at 1434 East 1110 North.

Vice Chair Iglesias seconded the motion. Those voting aye: Carlos Iglesias, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.3** as follows:

AGENDA ITEM 3.3 is a request by Benjamin Heward to approve the preliminary plat and site plan of **ELK POINT CONDOMINIUMS** at 1450 South Sandhill Road in the PD-11 zone.

Staff Presentation: The PD-11 zone was approved by the City Council in May 2012. The zone was established to provide an area where townhome units could be developed at a density of up to 14 units per acre. The zone was approved with a concept plan and elevations which are contained in Appendix ‘X’ of the City Code. Any development in the PD-11 zone is to conform to the development contained in the appendix.

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Site plan approval was originally granted concerning this request in 2012, but has since expired. The proposed plan contained herein does not deviate from the previous approval with exception to the location of the clubhouse. The proposed plan relocates the clubhouse away from the south boundary to a location more central to the development.

The applicant's proposed development matches the appendix with respect to the concept plan and the approved elevations. The development will be completed in up to seven phases with Phase 1 containing the neighborhood clubhouse facilities. No access is permitted along Sandhill Road. Two access points are provided along 1430 South.

The development requirements are as follows:

- Density proposed at 13.9 (14 maximum) units per acre
- Parking at the rate of 2.78 (minimum) stalls per unit has been provided with 2 stalls covered (garage) for each unit and 412 are provided
- Minimum landscape area of 38% whereas 38% has been provided
- Setbacks meet the minimum of 25 feet to any public street or property not part of the PD-11 zone
- Exterior finishing material and building elevations meet Appendix 'X'
- The tallest units are proposed to be 37 feet tall while 40 feet is permitted

As an attached unit development, the Planning Commission approves the site plan which also serves as the preliminary plat. In the case of the PD-11 zone, the Planning Commission is the final approving authority, not the City Council.

Recommendation: The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission approve the preliminary plat and site plan of Elk Point Condominiums at 1250 South Sandhill Road in the PD-11 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Mr. Whetten asked if there is any access to Sandhill Road. Mr. Stroud said there is no access to Sandhill Road. There are two accesses to 1430 South.

Mr. Whetten asked if the two garage stalls are within the building envelope. Mr. Stroud said yes. He noted the south two story units have a garage coming in from the back with living space behind the garage. The three story units have the garage and a small area for a closet, but the living area is upstairs. Mr. Whetten asked if they are townhomes. Mr. Stroud said yes because stacked are not allowed in this zone.

Chair Moulton invited the applicant to come forward. Mr. Dudley introduced himself.

Mr. Dudley said that there is an allowed access onto Sandhill Road through the properties that front Sandhill Road. There are ongoing negotiations for those properties. Those negotiations may cause an adjustment of the location of the detention area and a possible access to Sandhill Road. It would need to be aligned with Steven Henagar College. Mr. Dudley pointed out the parking stalls on the southwest corner of the parcel may need to be removed. At this time there is an access for Larry Peterson, property owner to the south. There is plenty of room on the site to replace the parking spaces. They will not interrupt Larry Peterson's access during construction. The first phase will be centered on the clubhouse area and the west part of the property will be a later phase.

Chair Moulton asked if the lots along Sandhill Road will be developed when all of them are purchased. Mr. Dudley said there is a development plan that incorporates those lots. The future design has 1450 South looping around and connecting into 600 West.

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Vice Chair Iglesias asked if the access is being left open for Mr. Peterson. Mr. Dudley said the parking spaces are a current access for Mr. Peterson’s property/business. Mr. Peterson wants it maintained at least for the short term while negotiations are being completed. They assured him those parking spaces could be postponed or removed, if needed. Mr. Stroud noted there are more parking spaces than required. Mr. Dudley noted that they will come back to the Planning Commission with an amended site plan that will include the properties to the west at a future date.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Larry Peterson, Orem, noted he owns the property to the south of this development. He said that the developer owns the home at 1531 South Sandhill Road. He noted there is a right of way in front of that house, which has been in use for at least 50 years and more. His hope is to preserve the right of ways. He is working with Mr. Heward so that the project can go forward. Mr. Walker asked if the right of ways is recorded. Mr. Peterson said no, they are prescriptive right of ways. If there has to be a lawsuit on them, there will be. He is trying to make a trade. Mr. Earl asked Mr. Peterson if he does not want anyone to interfere with his ability to access his property through the existing dirt road. Mr. Peterson said yes. He would like to make a trade and fix issues that he has felt have been conflict. Mr. Earl then asked Mr. Dudley if his client understands Mr. Peterson’s assertion. Mr. Dudley said yes. Mr. Earl said the way the site plan is configured there is no way for Mr. Peterson to access his property.

Benjamin Heward, property owner, said there is a concept plan for the properties to the west. The parking stalls in the southwest corner cover the access for Mr. Peterson. Mr. Earl asked if the access road goes through the detention basin. Mr. Heward said Mr. Peterson may choose to keep the red roofed home for now, but when the deal is finalized it will not be an issue.

Mr. Walker asked if the parking stalls to the southwest and the homes to the west will be in a certain phase. Mr. Heward said everything on the west will be in Phase 7, the final phase.

Mr. Whetten asked if staff and legal are comfortable with the current site plan. He did not want to approve based on future changes. Mr. Stroud said they were made aware of this issue 2 ½ years ago when it was originally approved. If there is a prescriptive right of way, the developer has to respect that unless they can come to an agreement to dissolve that with the owner. Vice Chair Iglesias asked if that easement is a recorded easement. Mr. Stroud said it is prescriptive, which means it has been there for many years and there is no legal description of it.

Mr. Whetten asked if Mr. Peterson is allowed to keep the home, what will happen to the detention pond. Mr. Stroud said if there is a change, the developer will have to come in and amend the site plan. Mr. Heward said the detention pond is part of Phase 1. They will construct a temporary basin until everything is worked out. Mr. Dudley indicated the developer owns the red roofed home where the detention basin is supposed to be constructed. The detention pond can be moved to another property if necessary. Mr. Earl asked if the road will encroach into the detention basin. Mr. Dudley assured the Planning Commission that the detention basin will be designed or redesigned to meet the City’s requirements.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Mr. Earl asked if the detention can accommodate the access. Mr. Dudley said yes. Mr. Stroud said the applicant owns enough property he could construct a shallow detention basin. Mr. Earl said the applicant is asking for approval on a site plan that shows a detention basin, but is unsure that it will work. Mr. Dudley said the detention basin will work. The only thing that will be changed is that the parking stalls are changed and the access may be included. He noted Mr. Peterson’s concern is that his access to Sandhill Road remains intact in the short term until negotiations are completed or abandoned. They can accommodate that access if it becomes necessary.

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Mr. Earl said that if Mr. Peterson has a prescriptive access, he may be able to say that the detention area cannot be used. Mr. Dudley said, if necessary, the detention basin would be amended. Mr. Bench said the developer will have to bond for the project, including the full improvement of the detention basin. If the basin is not in substantial compliance to what the approved site plan requires, it will have to come back to the Planning Commission for approval. The zone does allow for slight tweaks and modifications as long as it is substantially compliant. If the basin has to move north, some of the property is not zoned PD-11. If that is the case the developer will need to come back in order to rezone the property. If the detention basin is relocated anywhere it will have to come back to the Planning Commission. Mr. Walker asked if they changed the basin in a small way, could it be an administrative approval. Mr. Bench said that if the detention basin is substantially compliant it can be approved administratively.

Mr. Earl suggested if the motion is to approve, the motion could indicate that if the detention basin cannot be constructed as shown in the design because of the access, the applicant will have to modify the site plan to show a modified detention basin that has the same volume & capacity. Mr. Dudley said that was fair. Mr. Bench said a small modification can be done administratively, if it is relocation it will need to come back through the process.

Ms. Larsen said the Planning Commission is looking at the site plan as presented, if there are changes then it will come before the Planning Commission at a later date. She noted that one cannot guarantee right of way through property he no longer owns or in the middle of a detention basin. Chair Moulton agreed that the Planning Commission can only approve what is before them and not what may happen in the future.

Chair Moulton called for a motion on this item.

Planning Commission Action: Mr. Whetten said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to approve the site plan and preliminary plat for Elk Point Condominiums with the condition that if the developer needs to make changes to the detention basin they will work with staff. Staff will determine if it needs to come back to the Planning Commission. Ms. Larsen seconded the motion. Those voting aye: Carlos Iglesias, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.4** as follows:

AGENDA ITEM 3.4 is a request by Terry Bishop to approve the site plan for Terry Bishop at 984 North 1580 West in the M2 zone.

Staff Presentation: Currently the property for the proposed site plan is vacant of buildings, but is being used to store equipment. The applicant is proposing to construct a warehouse/storage type building and make some additional improvements to the existing property, including landscaping.



The proposed building contains 3,450 square feet with 150 square feet of office space, and is twenty-four (24) feet tall. It will be finished with metal siding and include an overhead door. As per code requirements for the M2 zone, five (5) stalls are required and six (6) stalls are shown on the site plan. All required parking stalls will be paved.

There is no new fencing required with the project. The applicant is installing ten feet (10') of landscaping along the street frontage as required. A total of three (3) trees will be planted as well as grass along the street frontage. The dumpster is located inside of the building.

Recommendation: Based on compliance with all City applicable codes, staff recommends the Planning Commission approve the site plan for Terry Bishop at 984 North 1580 West in the M2 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

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Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Chair Moulton said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to approve the site plan for Terry Bishop at 984 north 1580 West. Vice Chair Iglesias seconded the motion. Those voting aye: Carlos Iglesias, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

MINUTES: The Planning Commission reviewed the minutes from the previous meeting. Chair Moulton then called for a motion to approve the minutes of February 18, 2015. Ms. Larsen moved to approve the meeting minutes for February 18, 2015. Mr. Walker seconded the motion. Those voting aye: Carlos Iglesias, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

ADJOURN

Chair Moulton moved to adjourn. Vice Chair Iglesias seconded the motion. Those voting aye: Carlos Iglesias, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Adjourn: 5:22 p.m.

Jason Bench
Planning Commission Secretary

Approved: March 19, 2015